IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5424 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARESHKUMAR NANDLAL KAKKAD

Versus

JOINT CHARITY COMMISSIONER

Appearance:

1. Special Civil Application No. 5424 of 2003

MR PS CHAMPANERI for Petitioner No. 1

MR RM CHHAYA for Respondent No. 2 & 3

MR DIPEN DESAI for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 05/05/2003

ORAL JUDGEMENT

Rule. Learned advocate Shri R.M. Chhaya waives service of rule on behalf of respondents nos.2 & 3 and learned A.G.P. Shri Desai waives service of rule on

behalf of respondent no.1.

2. Looking to the peculiar facts of the case and more particularly when the election for the post of Vice President of respondent no.3 has already taken place and the issue with regard to the tenure of petitioner's term as Vice President of respondent no.3 is pending before respondent no.1, in my opinion it would be just and proper to direct respondent no.1 to hear the matter finally on 23rd May, 2003, the date on which it has already been fixed by him for hearing.

3. Upon hearing the concerned parties, respondent no.1 shall decide the matter and pronounce the order on or before 31st May, 2003. The order shall be communicated to the concerned parties latest by 31st May, 2003.

4. Till the final order is pronounced by respondent no.1, as far as possible respondent no.3 shall not convene any meeting of its managing committee. However, the office bearers of respondent no.3 shall perform the day to day work of respondent no.3 and no policy decision shall be taken by respondent no.3 or by respondent no.2 till the application under Section 41-A under the provisions of Bombay Public Trust Act, 1950 is decided by respondent no.1.

Learned A.G.P. Shri Desai shall communicate this order to respondent no.1 forthwith.

In view of the above order, rule is made absolute to the above extent. There shall be no order as to costs.

[A.R. DAVE, J.]

/phalguni/